**IN THE HIGH COURT OF JUDICATURE AT BOBBY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 5062 OF 2004**

Mr. Shanmughanand Uttarapathi Kandyer ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

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Shri D.C. Mishra for Applicant.
Shri S.R. Shinde, APP for Respondent.

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**CORAM : A.M.KHANWILKAR, J.**
**DATED : NOVEMBER 29, 2004**

**PC :-**

. Heard the learned counsel for the parties. Perused the record.

2. The applicant apprehends arrest in connection with the offence punishable under sections 3,7,8 and 10 of Essential Commodities Act, 1955. The prosecution case is that one "Sameet", supplied the offending items to the other accused. The applicant apprehends arrest as according to the prosecution, the applicant is said "Sameet". On the previous date of hearing on 9th November, 2004, this argument was canvassed but the learned APP took time to place on record the material that the present Applicant is

infact said "Sameet". Today when the matter is called out, the learned APP fairly submits that there is no material to establish the fact that the applicant is said "Sameet". On the other hand according to the Applicant, "Sameet" is a different person. The Applicant is, however, a small time dealer in snack items. To support the contention that said "Sameet" is a different person, the order passed by the learned J.M.F.C., Kalyan on the bail Application preferred by said "Sameet Manjunath Kanchan" for the same offence, is placed on record. Copy of that order as produced, is the true copy issued by the Assistant Superintendent, J.M.F.C., Kalyan. Learned APP is not in a position to dispute this document though the instructing officer is present in the court. It is brought to my notice that all other accused have been released on bail. Taking overall view of the matter, to my mind, the Applicant deserves to be granted anticipatory bail on the following conditions :-

(a) The Applicant is granted anticipatory bail in connection with C.R.No.II-63/2004, registered with Dombivali Police Station, on executing personal bond in the sum of Rs. 25,000/- (Rs. Twentyfive thousand

only) with two local sureties in the like amount.

(b) The Applicant shall comply with all the requirements under section 438 (2) of the Code as applicable to the State of Maharashtra.

. Ordered accordingly.

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